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REPORT OF THE SECRETARY-GENERAL ON THE INTERNATIONAL CONFERENCE ON THE FORMER YUGOSLAVIA

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INTRODUCTION

1. On 11 November 1992, the Secretary-General submitted a report to the Security Council on the activities of the International Conference on the Former Yugoslavia since it began work at Geneva on 3 September 1992 (S/24795). The Security Council considered that report at its 3134th to 3137th meetings, held on 13 and 16 November 1992. On 16 November, the Security Council adopted resolution 787 (1992) in which it expressed its appreciation for the report presented to it by the Co-Chairmen of the Steering Committee of the International Conference, and requested the Secretary-General to continue to keep the Council regularly informed of developments and of the work of the Conference. The present report provides information on activities undertaken within the International Conference since the submission of the previous report.

I. ACTIVITIES OF THE STEERING COMMITTEE

2. The third meeting of the Steering Committee of the International Conference was held, in expanded form and at ministerial level, at Geneva on 16 December 1992. There was an in-depth discussion of the situation in the former Yugoslavia and particularly in Bosnia and Herzegovina. In a message to the meeting (see annex I) the Secretary-General stated that "the current situation demands statesmanship of the highest order. Understandable emotion must be balanced by a sober appreciation of risks and benefits. Short-term nostrums must be examined in the light of their contribution to long-range stability." He added that "the road ahead lies through continuous negotiations in good faith, in the spirit of the Charter of the United Nations and the principles of the International Conference, not in actions which would serve to continue or escalate the violence."

3. Addresses by the Co-Chairmen of the Steering Committee are contained in annexes II and III. Detailed briefings were given by Generals Nambiar and Morillon, the United Nations High Commissioner for Refugees, Mrs. Sadako Ogata, the President of the International Committee of the Red Cross (ICRC), Mr. C. Sommaruga, and Mr. Martti Ahtisaari, Chairman of the Working Group on Bosnia and Herzegovina. A number of Ministers gave their views and put questions to Generals Nambiar and Morillon, which were answered.

4. General Nambiar reported on the implementation of the various mandates of the United Nations Protection Force (UNPROFOR), including in the United Nations protected areas in Croatia and in Bosnia and Herzegovina. General Morillon reported on the situation in Sarajevo and on the efforts of UNPROFOR to secure observance of the cessation of hostilities agreed on 12 November 1992 by the three parties in Bosnia and Herzegovina. He stated that, while fighting continued in the Republic, the level of hostilities had been reduced since the conclusion of that agreement.

5. The United Nations High Commissioner for Refugees, Mrs. Ogata, reported on humanitarian relief activities. In Bosnia and Herzegovina it had been possible thus far to meet about 80 per cent of objectives in the food sector and about half the objectives on winterization. The President of ICRC, Mr. Sommaruga, provided information regarding the release of detainees held by the three parties to the conflict in Bosnia and Herzegovina. He expected 4,345 prisoners to be released during the same week: 2,780 by the Bosnian Serbs, 1,027 by the Bosnian Government and 538 by the Bosnian Croats.

6. Mr. Ahtisaari reported on discussions about a new institutional structure for Bosnia and Herzegovina, particularly on efforts to settle constitutional principles and to delimit the boundaries of provinces. He expressed his conviction that a negotiated settlement of the situation in Bosnia and Herzegovina could be achieved.

7. It emerged from the meeting that the Ministers wished the Co-Chairmen of the Steering Committee and the Chairpersons of Working Groups to press ahead with strategies for peaceful solutions to problems in the former Yugoslavia. Many participants expressed the view that negotiated solutions were possible, and preferable to expanding the war. In that regard the view was expressed repeatedly that pressure must be increased upon all parties to cooperate. It was specifically suggested that sanctions should be rigorously enforced, especially on the Danube. The appointment of an Executive Coordinator on Sanctions was proposed and received favourably by the Steering Committee.

8. Participants repeatedly urged all the sides involved in the conflict in Bosnia and Herzegovina to cooperate with ICRC, and to honour their agreements to release all their prisoners and detainees. They expressed their strong disapproval of breaches of the air interdiction zone over Bosnia and Herzegovina and wished measures to be taken to bring about compliance with it.

9. There was a clear sense at the meeting that there could be no compromise on basic principles of respect for human rights and non-acceptance of forcible change of borders. Participants reacted strongly to reports of grievous violations of human rights, including ethnic cleansing and allegations regarding ill-treatment of women. Broad support was expressed for the establishment of an international criminal court to try persons accused of war crimes.

10. Views were mixed about lifting the arms embargo in favour of the Government of Bosnia and Herzegovina. Most speakers opposed lifting the embargo. Safety zones or safe havens were also briefly touched upon.

11. The United States Government offered 25 observers to help to fill the gap in airfield monitors. That action was warmly received. The Co-Chairmen appealed to other Governments in a position to do so to make similar offers.

II. CO-CHAIRMEN OF THE STEERING COMMITTEE

A. Peacemaking

12. The Co-Chairmen of the Steering Committee have continued their contacts with the heads of State of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia in an effort to promote peaceful solutions to problems in the former Yugoslavia. They have also held meetings with other leaders in the former Yugoslavia and in neighbouring countries. They also visited Croatia and Bosnia and Herzegovina during this period.

13. On 6 November they had a private meeting at Geneva with President Cosic of the Federal Republic of Yugoslavia. On 7 November they met at Geneva with President Gligorov of the former Yugoslav republic of Macedonia. On 19 and 20 November they visited the United Nations protected areas in Croatia. On 23 November they met at Geneva with Prime Minister Mitsotakis of Greece. On 25 November they met at Geneva with Prime Minister Panic of the Federal Republic of Yugoslavia. During the weekend of 28 and 29 November they met privately in Brioni with President Tudjman of Croatia. On 2 December they held a private meeting in Jeddah with President Izetbegovic of Bosnia and Herzegovina. They visited Zagreb for discussions with Presidents Tudjman and Izetbegovic and others on 17 December.

B. Human rights and humanitarian issues

14. The Co-Chairmen have continued to use their good offices on humanitarian matters as well as on issues of human rights. On 30 November the Co-Chairmen sent a message to the Commission on Human Rights, convened in a special session to discuss the situation of human rights in the former Yugoslavia. In their message they condemned ethnic cleansing and other violations of human rights and invited the Commission to give attention to the important question of protecting the rights of minorities which, they stated, was of great importance to the future stability and security in the area of the former Yugoslavia.

15. On 4 December Mr. Vance addressed a high-level meeting of the Humanitarian Issues Working Group. He emphasized that securing respect for basic human rights and humanitarian law must remain a high priority in dealing with the situation in Bosnia and Herzegovina as well as throughout the former Yugoslavia. Noting that solidarity with human beings in distress was a central tenet of the post-1945 world order, he expressed profound respect, admiration and gratitude for the work of the Office of the United Nations High Commissioner for Refugees (UNHCR), ICRC and non-governmental organizations (NGOs) as well as to the soldiers of UNPROFOR and to aircrews flying dangerous humanitarian missions.

16. The Co-Chairmen have also made determined efforts to help to bring about a forensic examination of a mass grave site at Ovcara near Vukovar. They were in contact on that matter with the Secretary-General, the Special Rapporteur

of the Commission on Human Rights and the Commission of Experts established by the Security Council to deal with allegations of violations of humanitarian law. The Commission of Experts has made arrangements for a forensic examination, which has begun at the site.

C. Cooperation with regional organizations

17. The Co-Chairmen have maintained contacts with concerned regional organizations including the Organization of the Islamic Conference (OIC) and the Conference on Security and Cooperation in Europe (CSCE). They attended a special session of Ministers for Foreign Affairs of OIC held at Jeddah on 1 and 2 December to consider the situation in Bosnia and Herzegovina.

18. Mr. Vance delivered a statement on behalf of the Secretary-General, which described the events taking place in Bosnia and Herzegovina as a direct challenge to international public order. The statement noted that, despite specific injunctions by the Security Council, violence was continuing, human rights were being flouted, relief efforts were being obstructed, United Nations peace-keepers were being attacked and ethnic cleansing was continuing. The statement of the Secretary-General referred to the measures being taken by the United Nations to bring an end to the conflict and suggested the following ways in which OIC could be supportive. First, it could support the call to the parties in Bosnia and Herzegovina to negotiate a political settlement on the basis of the constitutional outline presented by the Co-Chairmen. Second, it could back the Security Council's call for a cessation of hostilities and the work of the Mixed Military Working Group aimed at unblocking and demilitarizing Sarajevo and other towns. Third, it could help to ensure compliance with sanctions.

19. In his address to that meeting, Lord Owen dealt with the Islamic suspicion that the world was not defending the rights of the Muslims of Bosnia and Herzegovina in the same way it would if they were of another religion. "I do not believe this charge has any substance," he stated. As for comparisons with the international community's response to the invasion of Kuwait, he said that the situation in the former Yugoslavia was different "politically, militarily and geographically". He added that to lift the embargo for Bosnia and Herzegovina, could well trigger a resumption of arms supplies, overtly or covertly, to Serbia and Montenegro by its traditional suppliers.

20. Lord Owen stated that the Co-Chairmen were determined to see violations of the no-fly order cease, although he noted that no combat missions by fixed-wing aircraft had been recorded since 12 October.

21. Lord Owen addressed a session of CSCE held at Stockholm on 14 December 1992. Assessing the chances for a negotiated settlement, he stated: "I believe this is particularly a moment for the international community to hold its nerve and to continue with the present strategy." He added that there was also an extreme need to do everything to pressure all the parties to come constructively to the negotiating table: "This is the time",

he continued, "to have continued faith in the negotiating of a peaceful settlement."

III. WORKING GROUP ON BOSNIA AND HERZEGOVINA

22. The previous report of the Secretary-General contained information about the ideas that the Co-Chairmen had presented to the parties on a possible constitutional structure for Bosnia and Herzegovina (S/24795, annex VII). The principal points of the constitutional proposals were the following:

(a) Bosnia and Herzegovina would be a decentralized State with 7 to 10 autonomous provinces whose boundaries would take into account ethnic and other considerations. All governmental functions relating to normal contacts of public authorities with citizens, for example, education and health care, would be assigned to the provinces;

(b) The Constitution would recognize the existence of three major "ethnic" or "national/religious" groups, as well as of a group of "others";

(c) Both the central and the provincial governments would have democratically elected legislatures and democratically chosen heads of government and an independent judiciary. In all the central government organs, the principle of group balancing or rotation would be observed;

(d) There would be a Constitutional Court to decide disputes between the provinces and organs of the central Government. It would be composed of four judges, one chosen from each of the Bosnian groups, and of a majority of foreign judges appointed by the Conference;

(e) Any military establishment would be entirely under the central Government, while the police would be entirely provincial. No other armed forces would be allowed;

(f) An important feature of the Constitution would be its insistence on the highest level of internationally proclaimed human rights. Their implementation would be ensured and monitored by a variety of national and partially or wholly international organs;

(g) Other important features of the Constitution would be various international control mechanisms, such as the predominance of non-Bosnian judges on the Constitutional and the Human Rights Courts. Most of these mechanisms would remain in force until the Constitution was amended to eliminate them, which could only happen by agreement of all the three major groups.

23. Consultations have since been held separately with delegations from each of the parties. The Bosnian Government appears satisfied with the general outline of the Co-Chairmen's proposals, although from the extensive discussions held with the delegation as a whole and with some of its members

it appears that it considers that they provide for excessive decentralization and that ethnic and other group considerations are overemphasized.

24. In written comments that were also confirmed at subsequent meetings, the Bosnian Croat delegation indicated that the constitutional proposals were a relatively acceptable basis for further talks, subject to three principal reservations: it considered that (a) the constitutional arrangements should more adequately reflect that Bosnia and Herzegovina was a State of three constituent nations; (b) it should not be a protectorate of either the United Nations or of the international community; and (c) the State should be demilitarized. Specific amendments were proposed to implement those principles, which among other things would foresee the formation of three so-called "constituent units", each composed of two or more provinces that would in effect be governed together, and these constituent units would in most respects play the role foreseen for the provinces in the Co-Chairmen's proposal. An important incidental effect of that change would be to make decisions of many of the organs of the central Government depend on a consensus of the three major ethnic groups, except in respect of matters that all three of them agreed did not affect their vital interests. All the international control measures foreseen by the Co-Chairmen would be eliminated except for the possibility of participation by the European Court of Human Rights in the Bosnian Human Rights Court, for a limited period.

25. The Bosnian Serb delegation, on 19 November, presented what was in effect a counter-proposal to that of the Co-Chairmen, which it insisted, on the basis of instructions of its Assembly, be considered together with the latter. The essential feature of the counter-proposal is that Bosnia and Herzegovina would be divided, on an exclusively ethnic basis, into three sovereign States, each with international legal personality and only loosely confederated in a central unit, which itself would also have limited international legal personality. Although it is foreseen that the so-called "constituent States" would delegate certain functions in the area of economics, in particular international trade, to the central Government, each of the States would have its own currency. All the organs of the central Government would be constituted by appointees of the constituent States on an equal basis and would generally be able to take decisions only by consensus or at least with the agreement of the majority of each State's representatives. This would even be true of the Constitutional and Human Rights Courts, neither of which would have any non-Bosnian members. An important role would be assigned to a dozen commissions consisting of representatives of each of the three States that would monitor the functions of the central Government and coordinate the corresponding functions of the constituent States. Although human rights would be guaranteed at the highest international level, as prescribed by United Nations and CSCE instruments, there would be no devices for international monitoring of compliance, in this or in other respects.

26. As soon as the Conference's constitutional proposals were submitted to the parties, they indicated that it would be essential for, and of great assistance in, considering the proposals to have an indication of the precise geographic context in which they would be applied. The Chairman of the

Conference's Working Group on Bosnia and Herzegovina thereupon renewed the Conference's earlier request to the parties to provide, if possible in the form of maps, their conceptions as to the boundaries to be drawn within the country. These maps were to be the starting point for the possible development within the Conference of a set of relevant proposals.

27. In spite of these urgent requests and the evident interest of the parties in having the Co-Chairmen's constitutional proposals complemented by those concerning the maps, it was not until the second week of December that each of the parties presented some ideas concerning the geographic division of the country. The map presented by the Bosnian government delegation indicated a division of the country into 13 provinces, the populations of which would vary between 564,000 and 67,000. All of these would have an ethnically varied population, although, in each, one of the ethnic groups would predominate, sometimes distinctly, sometimes just barely. The delegation also submitted a written explanation indicating the considerations that had motivated the boundaries it suggested: historical, economic, commercial, climatic, geological, cultural and ethnic.

28. The Bosnian Serb delegation submitted a map, accompanied by a brief written explanation, that showed the proposed delimitation between the Serb republic and other constituent units. The former would include about 75 per cent of the area of the country, with a population of some 1.6 million Serbs, i.e. almost all the Bosnian Serbs, plus about 300,000 Muslims and 100,000 Croats. The basis for the territory claimed was explained as all areas in which Serbs actually constituted the majority and owned the greatest percentage of the land; plus those areas in which they would have constituted such a majority except for the genocide committed during World War II and the policies of the subsequent Titoist regime; plus other areas under Serb control at present. There was no indication of how the Serb-claimed territory, which constitutes a continuous area, might be subdivided into provinces or how the other three areas might be so divided or how these might be divided between the Muslims and the Croats.

29. The Bosnian Croat delegation submitted a map merely indicating those territories, consisting of one large, one medium-sized and four small ones, within which Croats allegedly constituted a majority of 60 per cent or more. No indication was given as to how provincial boundaries might be drawn in that light, although in accompanying oral explanations it was stated that the Croats would expect to end up with two provinces and that other concentrations of Croat populations would necessarily be assigned to provinces with other majorities.

30. The government and the Croat delegations agreed to attempt to submit a joint proposal as to the delimitation of the provinces.

31. The Co-Chairmen and the Chairman of the Working Group on Bosnia and Herzegovina intend to use the maps submitted or to be submitted by the parties to narrow the differences between them.

IV. WORKING GROUP ON HUMANITARIAN ISSUES

32. A high-level meeting of the Humanitarian Issues Working Group was held on 4 December 1992 to assess the effectiveness of the humanitarian assistance operation and to recommend further measures. The meeting was attended by all States of the region of the former Yugoslavia, the donor community, other interested States and international governmental and non-governmental organizations. The Chairperson of the Working Group, the United Nations High Commissioner for Refugees, Mrs. Ogata, invited the meeting to review the implementation of the Comprehensive Humanitarian Response launched on 29 July 1992, both as to protection and material assistance.

33. A working document that the Chairperson submitted to the meeting drew attention, among other things, to the following:

(a) There were some 3 million refugees, displaced persons and other victims of the conflict who were in need of humanitarian assistance;

(b) There was a persistent threat of ethnic cleansing in many parts of Bosnia and Herzegovina, particularly in the north-western part of the country. Harassment and persecution continued unabated. There were shocking reports of sexual abuse of women;

(c) Admission to safety abroad had come under pressure;

(d) International relief efforts were increasingly complex, dangerous and frustrating. Security conditions affecting humanitarian access remained fragile. Harassment and delays at checkpoints, indiscriminate fighting and political manipulations had continued to be major obstacles;

(e) Deliveries of relief assistance were not reaching all the victims and covered only a portion of their survival needs;

(f) There was a serious shortfall of 2,300 places for providing temporary refuge abroad for detainees;

(g) The inadequate level of support to the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF) portions of the Consolidated Appeal continued to be a cause of concern.

34. During the meeting, delegations expressed their continued support for the Comprehensive Response and confirmed that it continued to constitute the framework for the humanitarian relief effort in the former Yugoslavia.

35. The meeting heard appeals to all parties to the conflict to abide by human rights and humanitarian principles and for an immediate cessation of all hostilities. Calls were also made for unconditional and unhindered humanitarian access to those in need, which was considered a cornerstone of the Comprehensive Response.

36. Delegations expressed their serious concern at the plight of the 3 million people who had been forced to flee from their homes and the risk of a further deterioration of their already tragic situation and a spread of the conflict.

37. The heinous practice of ethnic cleansing was vigorously condemned. There were renewed calls to the parties to the conflict to continue the release of those persons still unlawfully detained contrary to the commitments made at the London session of the International Conference.

38. Some delegations intervened on the issue of creating safety zones in Bosnia and Herzegovina, on which a study had been called for in Security Council resolution 787 (1992). The complexity of the issue was widely recognized. The Chairperson assured delegations that their observations would be taken fully into account in her further consultations with the Secretary-General on that issue.

39. While several delegations expressed their appreciation for the amount of assistance reaching Bosnia and Herzegovina, there was general agreement that additional urgent measures, particularly relating to shelter and health, were necessary to save lives during the winter period. Further progress also needed to be made in achieving unhindered access, as well as in addressing crucial infrastructural needs.

40. The meeting also recognized temporary protection needs, particularly with respect to vulnerable cases. In that regard, the Chairperson stated that she was grateful for the additional offers of places for ex-detainees that had been announced at the meeting. She encouraged Governments to make further commitments.

41. The Chairperson continued that, while she had been very cautious in identifying vulnerable categories for temporary protection, she expected that, owing to the deteriorating situation on the ground, pressure in that regard would mount. She reiterated her appeal to Governments to continue to admit to safety all those in need of protection. Time was running out for the innocent victims of the conflict. She expected the urgency of the situation described at the meeting to guide Governments in their deliberations in the coming days towards decisive political action.

V. WORKING GROUP ON ETHNIC AND NATIONAL COMMUNITIES AND MINORITIES

42. At its second plenary meeting at Geneva on 2 November 1992, delegations from Bosnia and Herzegovina, Croatia, the former Yugoslav republic of Macedonia, Slovenia and a federal delegation from Belgrade declared their continued adherence to the London documents, particularly to chapter II of the draft Convention of 4 November 1991, negotiated at The Hague. Since then the Working Group's activities have taken place in the different subgroups, particularly the Subgroup on Macedonia and the Special Group on the Former

Autonomous Province of Kosovo set up under the chairmanship of Ambassador Ahrens, at the London session of the International Conference.

A. Former Yugoslav republic of Macedonia

43. On 24 November, the Subgroup on the former Yugoslav republic of Macedonia held high-level talks at Skopje with President Gligorov, Prime Minister Crvenkovski and the President of the Republican Parliament, Mr. Andov, as well as with parliamentary leaders of all political parties. On 8 December, the Subgroup had a meeting with the leader of the Opposition Party, VMRO, Mr. Georgievski. There were trilateral talks with representatives of the government and of the Albanians from the former Yugoslav republic of Macedonia at Geneva on 3 and 4 November and again on 1 and 2 December, and at Skopje on 24 November and 8 December. Trilateral talks with government representatives and representatives of the Macedonian Serbs took place at Skopje on 24 November and at Geneva on 2 December. On 8 December, the Subgroup met at Skopje with the media. The meeting was chaired by the Director-General of the Macedonian Radio and Television. Through the good offices of the Council of Europe, Mr. Werner Haug, Chairman of the European Population Committee of the Council of Europe, joined the Subgroup for a first exchange of views on a republic-wide census that is to take place at the earliest possible date. Mr. Haug held talks with all interested sides at Geneva on 1 December and at Skopje from 8 to 10 December.

44. All these contacts, which are to be continued with high intensity, showed that there is still a good chance to solve ethnic conflicts inside the republic by peaceful means. All sides are still on good speaking terms with one another and show a remarkable willingness for crisis management and reasonable compromise. All are, however, under increasing pressure from more radical elements that grow in strength the longer the unfortunate recognition issue remains unsolved. The Chairman of the Working Group considers that, in the interest of the endangered stability of the republic, the early arrival of United Nations peace-keeping troops as well as the presence of long-term CSCE observers, which include members of the European Community Monitoring Mission (ECMM), would be most helpful.

45. As figures on the percentage of Macedonian Albanians in the overall population given by the Government and the Macedonian Albanians differ widely from 21 to 48 per cent, an early census is most desirable. The Macedonian Albanians did not participate in the 1991 census, but are willing to do so now under the condition of international participation. Against the background of a worsening economic crisis, the Government will, however, need international assistance to finance the census.

46. In the trilateral talks with the Macedonian Albanians, some real progress could be achieved, for example, on the aforementioned census issue, on secondary education and on problems related to the display of Macedonian Albanian national emblems. There is also agreement that a new law on local self-administration should be worked out that would provide for more

decentralization, thus giving minorities a greater say in local affairs. There are, however, other Macedonian Albanian requests that have remained unfulfilled. On most of them discussions will continue. It was agreed that the editor of the Albanian-language television programme, which is only one hour a day on one of the channels, will work out proposals on how to improve this unsatisfactory situation. These proposals will be considered by the Subgroup in the first part of January 1993. Macedonian Albanians and Serbs are not satisfied with their overall constitutional position. The Government is at present not prepared to consider further constitutional changes. There might be a better basis for such discussions after the census has taken place. The earliest date for the census is November 1993.

B. Kosovo

47. The Special Group on Kosovo had weekly meetings ever since the education talks, mentioned in the previous report, started. Four of these meeting took place at Pristina, one at Belgrade, one at Novi Sad and three at Geneva. The attendance varies, because the Government of the Serbian Republic has refused to accept Geneva as a venue. The Special Group drew the attention of the Serbian Government repeatedly to the fact that that attitude violated the working paper agreed to by all participants at the London Conference. The paper states that sessions of the working groups are held at Geneva.

48. At the latest meeting at Pristina on 9 December, attended by all parties including the Serbian Government, participants held discussions that showed different standpoints on both fundamental and educational issues. Participants confirmed their statement of 14 October 1992 quoted in the previous report (S/24795, para. 90). The Kosovar Albanians, however, voiced their deep disappointment that nothing had changed on the ground.

49. The Kosovar Albanian representatives proposed the opening of school premises at all levels at once and without preconditions. Any questions concerning education in Albanian should be dealt with after the reopening of the premises. The Government said that that was not possible and that there had to be agreement on some points before the premises could be handed over. There were altogether three points: (a) teaching programmes; (b) the status of teaching personnel; and (c) a solution to problems related to examinations and time spent in the parallel education system maintained by the Kosovar Albanians. Against this background, participants started to discuss teaching plans. There was agreement that so far there was no problem with the university level because such teaching plans were decided by the faculties and the universities themselves. On teaching plans for elementary and secondary education, the Kosovar Albanians had given Ambassador Ahrens corresponding documents that were briefly considered by participants. The Federal Minister of Education, Mr. Ivic, stated that the teaching programmes were complete but that the teaching plans were missing. The Kosovar Albanians replied that they would present those teaching plans although they saw no need to do so. They stressed that they had handed those materials to the Special Group only for consideration by all sides in the Group and that they did not want any form of legalization by the Serbian Government.

50. The Group agreed to have a thorough exchange on the teaching programmes and plans at the next meeting, at which the status of teachers and examinations and time spent in the parallel system would also be discussed. These discussions will take place against the background of the statement of 14 October 1992, which stressed the urgency of changes on the ground.

51. The Kosovar Albanians complain that nothing has changed on the ground. The negotiation strategy of having a quick breakthrough in one important sector, i.e. education, chosen by Federal Prime Minister Panic, and agreed to by Mr. Rugova, the Kosovar Albanian leader, was meant to create a better atmosphere, so that it would become possible to move from there to other areas and, finally, to the extraordinarily complicated fundamental issues related to the status of Kosovo. However, this has so far not borne fruit. Education can hardly remain the only subject of discussions in the Special Group. Accordingly, on 24 November, the Group held talks with a delegation of Kosovar Albanian medical experts in order to deal with that sector in which urgent improvement is also necessary. Other such sectors, for instance public media and the economy, were taken up with Kosovar Albanian representatives on 17 December. The Federal Government has indicated its readiness to participate in such wider talks and also to start discussions on the status of Kosovo once the revision of the Federal and the Serbian Constitutions begins after the elections of 20 December 1992.

52. The Chairman of the Working Group considers that, realistically, no progress in Kosovo can be expected in any sector before these elections have taken place and before there are again clear political structures in Belgrade. At present, only stocktaking and crisis management seem to be possible. This is the purpose of the intense activities of the Special Group, greatly helped by the CSCE long-term observers on the spot, who participate in the Special Group talks, and by the intense international attention devoted to Kosovo.

C. Vojvodina

53. The Subgroup on Vojvodina held talks, on 10 and 11 November, concerning the Hungarian minority in the province. After a discussion in the Hungarian Ministry of Foreign Affairs in Budapest, there was a series of meetings between the Federal Government of Yugoslavia and the Democratic Union of Vojvodina Hungarians, led by Mr. Agoston, other Hungarian organizations and representatives of all walks of life. The Subgroup was also received by the head of the provincial government. From these meetings, it became clear that the situation of the Hungarians has deteriorated in the course of the Yugoslav crisis. The main complaints are the resettlement of Serbian refugees in Hungarian towns and villages and an overproportional and disproportionate draft of Hungarians into the Yugoslav army. A follow-up on the Novi Sad meeting and serious negotiations on satisfying compromises will not, in the view of the Chairman of the Working Group, be possible before the elections of 20 December.

54. On 10 and 12 November, the Subgroup also met with the Chairman of the Croatian Party in Vojvodina, Mr. Tonkovic, and six Catholic priests from southern Vojvodina, where human rights violations are more frequent than in the north. It was agreed with the CSCE long-term observers in Subotica that they would take up the individual human rights cases. The Subgroup has approached the Federal Government on behalf of the Vojvodina Croats, but so far no conference-sponsored talks have been possible. The matter will be taken up again after 20 December.

55. On 15 December, a delegation of the Subgroup headed by Ambassador Rey participated in a Novi Sad-type meeting with the Slovak minority in Vojvodina, which took place in Backi Petrovac as proposed by the Federal Government. It also held talks with Vojvodina Hungarian and Croatian representatives.

D. Sandzak

56. The Subgroup on the Sandzak held talks with a delegation of the Muslim National Council of Sandzak headed by Mr. Ugljanin, who was also received by the Co-Chairmen. The Co-Chairmen wrote to President Milosevic of Serbia and to President Bulatovic of Montenegro on behalf of the Sandzak Muslims, who, particularly as a consequence of the war in Bosnia and Herzegovina, are victims of serious human rights violations. A trilateral meeting in Novi Pazar, envisaged by the Federal Government following repeated insistence by the Subgroup, has so far not taken place.

E. Croatia

57. The Working Group held several contacts with Croatian Government representatives and Serbs from Croatia. Endeavours have to be intensified as soon as the overall political situation, particularly in the United Nations protected areas, allows. In the meantime, the Working Group will continue its contacts with Croatian government representatives and with Serbs living in Croatia. Some complaints by Serbs about violation of their rights have reached the Group.

VI. WORKING GROUP ON SUCCESSION ISSUES

58. The Working Group on Succession Issues met under its new Chairman, Ambassador Jorgen Bojer, from 24 to 27 November. Delegations from all successor States on the territory of the former Yugoslavia participated.

59. The Working Group adopted a text on the question of citizenship, which stressed that no former citizen of the Socialist Federal Republic of Yugoslavia will become stateless.

60. The Working Group also discussed the issues of pensions and other acquired rights of those former Socialist Federal Republic of Yugoslavia

citizens who live in a successor State of which they are not citizens. Other matters dealt with by the Working Group included the rights of refugees and displaced persons, how to define State property and the relationship of the successor States with international financial institutions. The discussion of these topics will be continued at the next meeting of the Working Group scheduled to be held in January 1993.

VII. WORKING GROUP ON ECONOMIC ISSUES

61. The Working Group on Economic Issues convened on 11 November to consider:

(a) Amendments to the inventory of assets, liabilities and archives of the former Socialist Federal Republic of Yugoslavia proposed by the six subgroups meeting at Brussels at the end of October;

(b) A projected high-level conference on the economic future of the republics of former Yugoslavia;

(c) The need to look at proposals for practical policy initiatives in the economics field.

62. Work on the valuation of assets, liabilities and archives of the former Yugoslav federation is proceeding, although the intensive bilateral consultations held earlier had shown that large differences remained between the delegation of Serbia-Montenegro and the others on what the contents of the inventory should be. The Serbian view of what should count as an asset of the former Socialist Federal Republic of Yugoslavia is quite extensive; the view of the other delegations is much more restrictive.

63. A delegation comprising two officials and four representatives of a consulting firm has been in Belgrade to examine financial assets and liabilities of the former federation. The delegation was granted access to most of the information sources and databases it wanted to cover, including the statistics of the National Bank of Yugoslavia. Another similar fact-finding mission has been dispatched to Belgrade to look at federal archives. There have been unconfirmed reports that the Government of the Federal Republic of Yugoslavia is opposed to any division of the archives of the former federation.

64. The principle of a high-level conference on the economic future of the republics of former Yugoslavia, focusing on recovery and reconstruction, was well received, although questions were raised as to the correct timing of such an event.

65. Future meetings of the Working Group will consider a number of practical policy initiatives submitted by the different delegations and by the Chairman, as well as the question of the proper timing for the proposed high-level conference.

VIII. WORKING GROUP ON CONFIDENCE- AND SECURITY-BUILDING AND VERIFICATION MEASURES

66. The Working Group on Confidence- and Security-building and Verification Measures met regularly in November and early December (a) to review the implementation of several of the confidence- and security-building measures adopted on 15 September 1992 to facilitate the continued operation of the humanitarian flights into Sarajevo (see S/24634, annex) and (b) to seek common ground among all the parties in former Yugoslavia on longer-term measures to build confidence in the military sphere.

67. With respect to the 15 September Confidence- and Security-building Measures agreement, efforts focused on the parties' compliance with the ban on radar lock-ons of humanitarian flights and other flights authorized by UNPROFOR; the withdrawal of anti-aircraft artillery and surface-to-air missiles from an area 45 kilometres each side of the route agreed for the humanitarian flights and the declarations of locations of all anti-aircraft artillery and surface-to-air missiles throughout Bosnia and Herzegovina. Information was received from all the parties on the ground in Bosnia and Herzegovina. The parties took a step forward by agreeing to exchange the information they had submitted. Efforts will continue to be exerted to gain full compliance with the 15 September 1992 agreement.

68. The London Conference document on confidence, security-building and verification (LC/C11) has been the basis for consideration of longer-term conference- and security-building measures.

69. Over the last month, the Working Group has reviewed possible measures to facilitate, within its mandate, the reduction of tension among the parties by beginning its consideration of the question of other long-term confidence-building measures. Among them, the Working Group has before it a proposal for a preliminary exchange of information on the types of weapon systems and armed forces levels in the possession of each party in the region. It is hoped thereby to begin to prepare the ground for eventual mutually acceptable confidence- and security-building measures, which might have the desired effect of building genuine confidence in the military field among the parties in the former Yugoslavia.

Annex I

Message from the Secretary-General to the ministerial meeting of the Steering Committee of the International Conference on the Former Yugoslavia dated 16 December 1992

As Co-Chairman of the International Conference on the Former Yugoslavia, I welcome you to the Palais des Nations and send you my best wishes for a productive meeting. This expanded meeting of our Conference's Steering Committee convenes at an opportune moment. The conflict in Bosnia and Herzegovina continues in spite of strenuous efforts to halt it, although the intensity of hostilities has been reduced. Displaced persons, refugees and other affected persons are facing the rigours of expanded conflict.

The current situation demands statesmanship of the highest order. Understandable emotion must be balanced by a sober appreciation of risks and benefits. Short-term nostrums must be examined in the light of their contribution to long-range stability.

Much has been done to stem the conflict and to provide vital humanitarian assistance to its victims. Humanitarian organizations deserve our admiration and gratitude for their unceasing efforts. Your continuing support for their work is still essential.

The Co-Chairmen of the Steering Committee are laying the foundations for peaceful settlement. Their emphasis has rightly been, and continues to be, on peacemaking, peace-keeping, preventive diplomacy and peace-building. The road ahead lies through continuous negotiations in good faith, in the spirit of the Charter of the United Nations and the principles of the International Conference, not in actions which would serve to continue or escalate the violence. I wish you success in your endeavours.

Annex II

Opening statement of Mr. Cyrus Vance to the ministerial meeting of the Steering Committee

Lord Owen and I extend to you our warmest good wishes and welcome you to this Ministerial Meeting of the Steering Committee of the International Conference.

Your presence here today demonstrates the deep concern of the international community over the grave situation in the former Yugoslavia. Conflict persists in Bosnia and Herzegovina. More than 3 million refugees and displaced persons from the three communities continue to depend on international aid for their survival. Over the last three months more than 7,000 troops have joined the command of the United Nations Protection Force (UNPROFOR) in Bosnia and Herzegovina, helping to bring urgently needed humanitarian assistance to the civilian populace. While much has been done, the conflict endures, with the risk of spreading to other areas of the Balkans.

The conflict in Bosnia and Herzegovina is but the most recent explosion in the violent break-up of post-Tito Yugoslavia. The roots of the violence lie deep in the region's complex history of mutual grievances, political ambitions, territorial claims, religious differences and ethnic rivalries.

But to say that the causes of the conflict are complex does not relieve us of the responsibility to seek just and equitable solutions. It is essential that we bend every effort to unify our actions to bring the fighting to an end, prevent the conflict from spreading, provide humanitarian assistance to all and find a lasting political solution to the problems of Bosnia and Herzegovina and the former Yugoslavia as a whole.

In the 104 days since the International Conference began, we and our many colleagues, civilian and military, and other institutions and organizations, have worked to push forward on a wide range of problems. All are difficult, but all are essential. They have included:

(a) Improving relations between Croatia and the Federal Republic of Yugoslavia;

(b) initiating serious dialogue among the leaders of Croatia, the Federal Republic of Yugoslavia and Bosnia and Herzegovina;

(c) Working to stabilize the situation in the United Nations protected areas in Croatia, including such thorny problems as the return of refugees;

(d) Demilitarizing the Prevlaka Peninsula in the context of an agreed withdrawal of the Yugoslav army from Croatian territory on 20 October;

(e) Deploying a large United Nations peace-keeping operation in Bosnia and Herzegovina to protect humanitarian convoys;

(f) Establishing a Mixed Military Working Group at Sarajevo to bring about a cessation of hostilities and to address other important military issues;

(g) Constructing a constitutional framework for Bosnia and Herzegovina;

(h) Working to strengthen existing sanctions and measures for enforcement;

(i) Deploying preventive peace-keeping troops in Macedonia, as well as conducting preventive diplomacy in Kosovo, Sandzak and Vojvodina;

(j) Actively cooperating with the United Nations Commission on Human Rights and its Special Rapporteur, as well as with the Commission of Experts on violations of humanitarian law, including war crimes.

Promoting a cessation of hostilities and constitutional settlement in Bosnia and Herzegovina remain our priority objectives. It has not been easy, and I must tell you that all three sides have at different times created obstacles to the realization of these goals. None the less some progress, though not nearly enough, has been made. After lengthy and strenuous efforts by the United Nations Commanders, a tripartite Mixed Military Working Group has been established at Sarajevo. The results have not been negligible and the overall level of violence has been reduced, though not ended.

From the outset Lord Owen and I have proceeded on the basis that our essential task is to bring about a durable political solution. Practically speaking, there are no serious alternatives to a negotiated political settlement. It is important, therefore, that our actions work consistently to this end. We hope very much that this meeting will send a clear message to all parties concerned that incentives are available to those who cooperate in the peace process, and that costs will be borne by those who do not. Let me briefly share with you our thinking on a range of specific issues which concern us all.

Macedonia is undergoing an acute crisis. To help to defuse it, the Security Council has just approved the Secretary-General's recommendation that a United Nations peace-keeping operation - a preventive deployment - be established in Macedonia. An infantry battalion consisting of some 700 armed troops, with logistic support, military observers, and United Nations civilian police will perform this task. The Co-Chairmen join the Security Council in attaching great urgency to some immediate deployment.

Kosovo is no less pressing a problem. It is doubtful whether at present we could receive the required consent to insert United Nations peace-keeping forces into this province of Serbia, but in any event the Conference on Security and Cooperation in Europe (CSCE) already maintains a presence in

Kosovo. We welcome the CSCE decision at Stockholm to enlarge its civilian monitor mission. Given the heightened tension on all sides involved in the Kosovo issue, conflict could break out there as much by misadventure as by design. Therefore the good offices role of the CSCE mission is of critical importance. Over the long run, serious improvements must be made in Kosovo. During the last three months, the Conference's Special Group on Kosovo has carried out intensive discussions with all sides on a broad range of social, educational and political issues. We believe that these efforts will help to improve stability and will bear fruit. Restoration of genuine autonomy to Kosovo remains a principal goal.

With respect to the no-fly zone over Bosnia and Herzegovina, we believe that breaches of the Security Council's resolution need to be examined. In this connection, it is essential to understand the factual situation. The fact is that UNPROFOR thus far has not seen any use of fixed-wing fighter aircraft in support of combat operations in Bosnia and Herzegovina since the no-fly-zone resolution was adopted more than two months ago. UNPROFOR has tracked helicopters on a number of occasions and has been informed of allegations that helicopters have been used in an offensive role. This, however, has not been confirmed by UNPROFOR. These facts should be taken into account in any consideration of a determination under Chapter VII of the Charter of the United Nations. The Security Council must also consider the probable consequences of an enforcement action, particularly the endangerment of UNPROFOR personnel and staff of the Office of the United Nations High Commissioner for Refugees (UNHCR), the European Community Monitoring Mission (ECMM) and unarmed humanitarian workers in Bosnia and Herzegovina and elsewhere in the former Yugoslavia.

Another important issue is the suggested lifting of the arms embargo. Two weeks ago at Jeddah, Lord Owen and I were able to assess the depth of feeling of the Islamic countries in favour of this action. Yet I must tell you that, in our view, such action would be unwise. It would widen and deepen the war in Bosnia and Herzegovina. It would encourage the delivery of more sophisticated and more destructive weapons to all the warring parties and could also lead to the spread of the conflict throughout the Balkan region.

Another subject under consideration is that of security zones or safe havens for civilians caught up in the fighting. Advocates of this policy offer several variants, and it is not always clear what is being proposed. I believe we should examine such proposals carefully, but Lord Owen and I cannot support any policy that would contribute to ethnic cleansing. We continue to believe the best "safe haven" lies in an overall cessation of hostilities.

With respect to the refugee situation, Mrs. Ogata will be reporting on her activities and the requirements on the ground. Inside and outside Bosnia and Herzegovina more than 3 million refugees and displaced persons still need assistance. Inside the country, thanks to the heroic efforts of UNHCR workers, UNPROFOR and others, food and other supplies are getting through to many places that had not been reached before. But international relief efforts remain dangerous, and still encounter obstruction and intimidation. More must be done by all of us to improve the lot of innocent civilians.

Human rights issues have been at the forefront of our concerns since our first day at Geneva. In a message we sent to the Commission on Human Rights on 30 November we again condemned ethnic cleansing and other violations of human rights and invited the Commission to give attention to the important question of protecting the rights of minorities.

We have cooperated with the International Committee of the Red Cross (ICRC), and we pay tribute to President Sommaruga and his colleagues for their noble and unsung work day in and day out, particularly on prisoner release and evacuation. In view of the urgency of this matter, and deep interest in it, he will report on the latest developments.

We have also taken action on allegations of war crimes and other breaches of international humanitarian law. We have sought to help the Commission of Experts to bring about a forensic examination of the mass grave site at Ovcara near Vukovar and this is in train this week. Lord Owen and I believe that atrocities committed in the former Yugoslavia are unacceptable and persons guilty of war crimes should be brought to justice. We therefore recommend the establishment of an international criminal court.

This is the path we have followed since assuming our mission, and we shall continue to press ahead with the strategies I have indicated. Finally, in his remarks Lord Owen will address the steps we plan to take in the immediate future to expedite our endeavours.

Annex III

Speech by the Right Honourable the Lord Owen to the ministerial meeting of the Steering Committee

As Co-Chairmen we are both convinced that we should press for an overall settlement to be achieved as soon as humanly possible. This will have to include the restoration of full autonomy for Kosovo where the situation is particularly dangerous. Realism tells us that there are many formidable problems ahead.

We have never doubted that the parties in Bosnia and Herzegovina cannot negotiate a settlement on their own and that there will have to be considerable pressure brought to bear on all three parties at various times. Many of the countries sitting around this table have a part to play in that process.

One of our concerns is that the Bosnia and Herzegovina Government is sadly increasingly becoming representative only of the Muslim population. We are travelling tomorrow to Zagreb to meet with President Tudjman and President Izetbegovic in an attempt to bring together the Bosnian Muslims and Bosnian Croats into a more representative presidency. We will try, although we know it will be very difficult, to persuade both sides to come to some measure of agreement on a provincial map for Bosnia and Herzegovina.

So far we have failed to get the Bosnia and Herzegovina Government, at the political level, to come around the same table with the Bosnian Serbs and Bosnian Croats. With so much of the territory in which they would normally be in the majority under the control of the Bosnian Serbs, they are afraid of negotiating now, as they see it, from a position of weakness. We will, I expect, need the support of countries particularly in the Islamic world to encourage President Izetbegovic to participate constructively in January. But if he is to compromise, we will have to be able to demonstrate that we are capable of rolling back the present Bosnian Serb front line and obtaining the Bosnian Serbs' agreement to live under a rule of law that allows for ethnic cleansing to be reversed.

The Bosnian Croatian position presents for the moment the least difficulty and indeed could become a helpful factor in negotiations, but there are still parts of the Croatian Army in Bosnia and Herzegovina and some unauthorized flights from Zagreb.

The overriding challenge is, however, to roll back the Bosnian Serbs and here General Mladic is becoming evermore important. He is a determined officer. While he probably listens to President Cosic and General Panic, he is not controlled by them. He answers to President Milosevic.

It is Belgrade, above all, that control the main pressure points on the Bosnian Serbs. Mr. Karadzic ultimately answers to Belgrade and in effect the

Bosnian Serb military effort and economy, apart from food, is critically dependent on decisions taken in Belgrade. We are right therefore in believing that Belgrade has - if it cares to exercise it - the capacity to deliver a settlement.

That is why it is fundamentally important that all existing sanctions against Serbia and Montenegro are maintained and indeed reinforced. We cannot afford to allow sanctions to be evaded as happened a few weeks ago with the oil embargo. We need a person who can string together intelligence information from different countries and report evasions and potential sanctions-busting to the Sanctions Committee. Having adopted at last stop and search in the Adriatic we must have stop and search on the Danube. It is prudent too for us all to plan for new and tougher sanctions. They may be needed against an intransigent new Serbian Government, but we as Co-Chairmen do not believe that they should be applied or even threatened until we have given whatever new Government emerges in Belgrade the opportunity to contribute positively to the negotiating process. Whatever happens on 20 December, President Cosic will remain the President.

We intend to proceed on a determined and persistent path towards a negotiated settlement.

Between Christmas and the New Year, Mr. Boutros Boutros-Ghali will be visiting Geneva and during that time he has agreed to meet with us and President Cosic and also separately with President Tudjman. We may or may not seek to bring the Presidents together.

If no candidate in the Serbian presidential elections obtains more than 50 per cent of the vote, there will have to be a run-off, and the most likely time for a second election is thought to be 3 January 1993. The results would not be known before 4 or 5 January and there will be a public holiday because of the Orthodox Christmas on 7 and 8 January. We may find therefore that we have not got an authoritative Government to deal with in Belgrade until the week beginning 11 January. Yet neither of us believes it is acceptable in terms of the situation on the ground in Bosnia and Herzegovina or indeed in terms of world opinion for us to wait until then.

We are therefore inviting to Geneva on 2 January President Izetbegovic, Mr. Karadzic and Mr. Boban and asking them to bring their senior military commander. We want not only a sustainable cessation of hostilities and the demilitarization of Sarajevo, but also to try to reach an agreement on a pullback from the military front line in a way which reinforces and goes with the grain of an overall political settlement. We will also be trying to ensure free access of all citizens in and out of cities and towns that have been under siege and the free movement of humanitarian aid. We will be inviting Belgrade and Zagreb to send representation at the level they think appropriate to these talks. We will plan to follow these talks up when the political situation is clearer in Belgrade with further meetings in the middle of January.

We believe that only when this process has been undertaken will we be able to analyse the potential for a genuine negotiated settlement which fulfils the principles laid down for this Conference at the end of August in London. If any party in Bosnia and Herzegovina or any Government in Zagreb or Belgrade is obstructing such a settlement, we will not hesitate to bring their attitude and action to the attention of this Conference. We cannot fix deadlines or milestones but, when a new administration is established in the United States, it may well be appropriate to adopt new measures in the Security Council and even meet again at the ministerial level.

At this stage, however, neither Cyrus Vance nor I are faint-hearted about the prospect of a negotiated settlement. A great deal of time and effort has been invested in a negotiated settlement since we met together for the first time here on 3 September. We intend to capitalize on that investment. We do believe, however, that four additional new measures should be considered.

(a) Firstly, consideration of the establishment of an international criminal court through a resolution by the Security Council. It would surely be wrong if the practitioners of ethnic cleansing are not brought to justice;

(b) Secondly, consideration of a determination under Chapter VII of the Charter of the United Nations to make it possible to enforce a no-fly ban by the Security Council if, and only if, infringements continue. This is a two-stage process for the implications of any actual enforcement for United Nations troops, staff of the Office of the United Nations High Commissioner for Refugees (UNHCR) and others on the ground in Bosnia and Herzegovina demand the deepest analysis by members of the Security Council. The Secretary-General will also need to be fully involved in any decisions on the timing and the type of any enforcement action and his decision to ask the North Atlantic Treaty Organization (NATO) for planning assistance will help this process;

(c) Thirdly, consideration to toughening existing sanctions through a mechanism for using delicate intelligence and other information so as to report evasions to the United Nations Sanctions Committee at the earliest moment;

(d) Fourthly, consideration to a Security Council resolution on Kosovo, making it clear that all parties should show restraint but that any further internal suppression would be considered a threat to the peace and that negotiated autonomy is an essential and urgent priority.

We both remain firmly against making any change in the Security Council arms embargo which was adopted in September 1991 and covers the whole territory of the former Yugoslavia. Now is the time to test the parties inside Bosnia and Herzegovina and the countries surrounding Bosnia and Herzegovina at the negotiating table. It must never be forgotten that peace will come to the former Yugoslavia only through negotiations. To bring that about we need a judicious use of moral, political, economic and military pressures.